



WATER LINES

NEWS FROM THE WATER RESOURCES DIVISION

MONTANA DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION • SUMMER 1995

MISSION: TO PROVIDE THE MOST BENEFIT, THROUGH THE BEST USE, OF THE STATE'S WATER RESOURCES FOR THE PEOPLE OF MONTANA

DEPARTMENT NEWS

EXERCISE YOUR WATER RIGHTS

While controversy over water rights is a common occurrence during times of drought, even during wet years water shortages will likely occur during late-summer in parts of the state. If you have an existing water right and find yourself short of water you are allocated, you may need to make a "call" for your water.

Montana's water law, administered by the Department of Natural Resources and Conservation, is guided by the "doctrine of prior appropriation." This means "first in time is the first in right." In times of shortages, senior appropriators have the right and the duty to "call" for their water. Senior users must notify the junior users that they are not getting their water. The junior users must then allow existing flows to pass their diversions if a "call" is made.

The DNRC can provide water right information on any particular source. If needed, contact the DNRC regional office that serves your area to determine if there are junior water-right-holders on your water source. If a "call" for water is ignored, there are several remedies available, depending on your individual situation. Your DNRC regional office staff can advise you of the options available to you. ☉



BILLINGS 657-2105
1537 Avenue D, Suite 121
Billings, MT 59102

Big Horn	Prairie
Carbon	Rosebud
Carter	Stillwater
Custer	Sweet Grass
Fallon	Treasure
Powder River	Yellowstone

BOZEMAN 586-3136
601 Nickles, Suite 2
Bozeman, MT 59715

Gallatin	Madison
Park	

GLASGOW 228-2561
630 3rd Avenue South
P.O. Box 1269
Glasgow, MT 59230-1269

Daniels	Richland
Dawson	Roosevelt
Garfield	Sheridan
McCone	Valley
Phillips	Wibaux

HAVRE 265-5516
1708 West 2nd Street
P.O. Box 1828
Havre, MT 59501-1828

Blaine	Liberty
Chouteau	Pondera
Glacier	Teton
Hill	Toole

HELENA 444-6695
PO Box 202301
1520 E. 6th Avenue
Helena, MT 59620-2301

Beaverhead	Lewis & Clark
Broadwater	Powell
Deer Lodge	Silver Bow
Jefferson	

KALISPELL 752-2288
3220 Highway 93 South
P.O. Box 860
Kalispell, MT 59903-0860

Flathead	Lincoln
Lake	Sanders

LEWISTOWN 538-7459
311 West Janeaux
P.O. Box 438
Lewistown, MT 59457-0438

Cascade	Meagher
Fergus	Musselshell
Golden Valley	Petroleum
Judith Basin	Wheatland

MISSOULA 721-4284
Town & Country Shopping Center
1610 South 3rd Street West
Suite 103
P.O. Box 5004
Missoula, MT 59806-5004

Granite	Missoula
Mineral	Ravalli

NEWS
In the on-going state
government reorganization,
the Water Resources
Division will remain
part of the DNRC
FLASH

DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

ARTHUR R. "BUD" CLINCH, Director	406-444-2074
WAYNE WETZEL, Deputy Director	406-444-6699
GARY FRITZ, Administrator, Water Resources Division	406-444-6605
ACK STULTS, Regional Offices Supervisor	406-444-6606
LARRY HOLMAN, Chief, Water Rights Bureau	406-444-6631
GLEN McDONALD, Chief, State Water Projects Bureau	406-444-6653
RICH MOY, Chief, Water Management Bureau	406-444-6633
LAURENCE SIROKY, Chief, Water Operations Bureau	406-444-6816
NANCY ANDERSEN, Editor, Water Lines	406-444-6603

DEPARTMENT NEWS

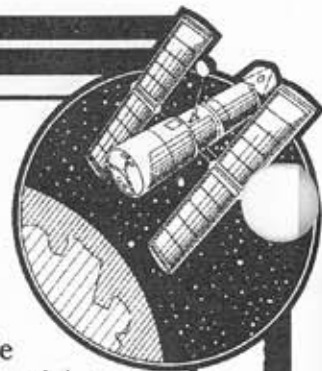
GIS BECOMES A REALITY FOR WATER RESOURCES DIVISION

The Department of Natural Resources and Conservation, specifically the Water Resources Division, has recently entered a new era of technology. The purchase of sophisticated computer equipment and software coupled with hiring geographical information system (GIS) technician Sonja Hoeglund launched the division forward, technologically speaking.

Although located in the division's Helena Regional Office, Hoeglund will provide the entire division with compiled data and maps which visually display a wide variety of water-related projects. This information will be useful to department staff and the public alike!

This technology and expertise has great possibilities for the future. The division is working toward interfacing with the Global Positioning System (GPS). This capability will be extremely beneficial in a number of ways. Well drillers could exactly pinpoint their location by longitude and latitude, instead of dealing with quarter-section land descriptions. Another example of the benefits of this technology is the assistance it will give our staff when they are verifying water right permits. A GPS allows users to locate their position electronically by latitude and longitude. This information is then transferred into a GIS computer system and can be precisely displayed on maps and graphs.

As the Division's GIS Specialist, Sonja has already completed several projects including maps of Yellowstone Controlled Groundwater areas, basin closure areas, and a general adjudication map for the Water Rights Bureau; maps of the Ruby River Basin, Sheridan County wells and Gauges, Beaverhead Groundwater Study area, and a diversions map for southwest Montana for the Water Management Bureau; and a map of the Big Hole for Water Operations. Sonja is currently working on projects involving the Bitterroot, Beaverhead, and Flathead drainages; Sheridan County; Ft. Peck Reservoir and Indian land cessions. Staff members within the entire division have been taking advantage of this new technology and Sonja's expertise. The list of future projects is endless, and is matched by the potential benefit to Montana's water users! ☺



PEOPLE IN WATER

Stan Bradshaw has been involved in the protection and management of Montana's water for nearly two decades. Stan graduated from the University of Montana Law School in 1975 and, after a year in private practice, began working with the Department of Health and Environmental Sciences prosecuting water pollution and subdivision cases. From 1981 through 1986 he worked with the Department of Fish, Wildlife and Parks representing the department in stream access cases. Since 1987 Stan has worked as a lobbyist for Montana Trout Unlimited, working on stream

access, instream flow and water quality issues. Stan worked as an employee for Trout Unlimited on a variety of fishery and water-related issues.

Although no longer employed by any particular agency, Stan remains involved as a concerned citizen in Montana water issues. He is currently working on a citizen's guide to Montana water law for the Land and Water Fund in Colorado. In addition, Stan remains involved in the Little Blackfoot Sub-Basin Steering Committee, the Blackfoot Chapter of Trout Unlimited, the Smith River Coordinated Resource Management Group, and the management of the Upper Clark Fork River Basin. Throughout his career Stan has been contributing to the management of Montana's water resources and his willingness and devotion to continue his efforts as a private citizen are a credit to his character and a great service to the people of Montana. ☺

DEPARTMENT NEWS

LEGISLATIVE REVIEW

Following is a brief summary of legislation passed by the 1995 Legislature affecting Montana's water users.

B 472 - INSTREAM FLOW

Allows the owner of an appropriated consumptive use water right to obtain a temporary change authorization to lease all or a portion of such right to an individual, association, partnership, or corporation for instream flow to benefit the fishery resource. The legislation requires compliance with all current water right processes. Only the owner of the water right may seek to enforce the temporary change authorization or object to other temporary change requests. In addition to an opportunity to object to the change of use authorization during the initial application process (current law), an appropriator may

object during the temporary change renewal process and once during the term of the temporary change permit. This legislation will allow for a test of leasing feasibility while protecting the prior appropriation process and automatically sunsets in ten years.

HB 137 - NOTICE OF DECREE

Revises notice requirements upon issuance of decrees in the statewide adjudication of water rights to limit notice to current owners of water rights as identified in Dept. records. Previously notice had to be sent to current owner, original claimant, and all intervening owners.

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REGIONAL NEWS

Warning to Nebraska irrigators

CAMBRIDGE, Neb.--Nebraska irrigators in the Republican River Basin, which is shared with neighboring Kansas, had better reduce water usage by 40 percent or face an impending lawsuit from the state of Kansas, warned J. Michael Jess, Nebraska's water resources director. Kansas water officials contend that Nebraska users are pumping some 40 percent more water from the basin than they are eligible to receive under the Republican River Compact.

Speaking before an irrigators' group at Cambridge, Jess predicted that a lawsuit from neighboring Kansas could come sometime in 1995 unless immediate steps are taken to reduce usage north of the Nebraska-Kansas line. If we're not willing to reduce consumption, we'd better be willing to go into litigation, and then we'd better plan what to do if we lose, said Jess. What we hear from Kansas is that no one up here is making an effort.



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BRITISH COLUMBIA MEASURE WOULD PROHIBIT INSTREAM EXPORTING

VANCOUVER, British Columbia Legislation has been introduced in British Columbia's provincial parliament to prohibit the export of instream water and any large-scale diversions between major watersheds. The target of the bill appears to be a proposed diversion of the North Thompson River in British Columbia that promoters say would ultimately provide more water to the U.S. state of California.

According to Bill Clancy, president of Multi-National Water and Power Inc., the diversion would pump some 1,500 cubic feet of water per second into the Columbia River. In Oregon said Clancy, the added water supply would be transferred into northern California. Multi-National Water and Power has been proposing the cross-border transfer for the past decade, and Clancy admits that the idea still might be ahead of its time.

The bill now before British Columbia legislators is designed to protect endangered salmon stocks and water resources, said provincial Environment Minister Mow Sihota. While British Columbians, like their Columbia River Basin counterparts in the U.S., are unaccepting of any water project that harms salmon stocks, Clancy maintains that the cross-border transfer would generate \$500 million a year in royalties and other income to the province. This government just doesn't know how to make the right moves, he said.

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SB 144 - UPPER CLARK FORK PLAN

Provides for a surface water permit closure with limited exceptions, continues the Upper Clark Fork River Basin Steering Committee, and establishes a temporary pilot water leasing program within the basin. Establishes a trial instream flow process similar to HB472. Requires a study of the relationship between groundwater and surface water in each subbasin. Also provides that prevailing party in the hearing regarding a water right change authorization in this basin may bring an action in district court and the court shall award costs and attorney fees to prevailing party.

SB 147 - LEASING OF STATE WATER PROJECT LANDS AND DISPOSAL OF INACTIVE WATER PROJECTS

Establishes a program for the leasing of all lands appurtenant to state-owned water projects. Sets guidelines for the leases and authorizes DNRC to adopt rules necessary to implement

and administer the leases. Allows for the disposal of inactive projects without prior determination of market value. Clarifies the reporting requirements relating to financial statements on state-owned projects.

SB 387 - WATER RIGHTS ADJUDICATION

Requires the water judge to appoint a water court advisory committee to improve and expedite the water adjudication processes. Establishes the representation required on the committee. Provides that the water court may dismiss objections to rights in water court decrees if the objection pertains to a previously adjudicated element of a water right that was previously decreed.

SB 234 - REORGANIZATION

Revises and consolidates functions of the Dept. of Natural Resources and Conservation, Dept. of State Lands, and Dept. of Health into a Dept. of Environmental Quality and a new DNRC. ☺

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GLOBAL WATERFRONT

Salmon are same concern of Pacific Northwest, eastern Russia

KHABAROVSK, Russia--The loss of salmon runs in this area of far eastern Russia may be the result of similar environmental problems that have prompted the salmon decline in the northwest U.S., according to Oregon State University scientists who have teamed up with Russian researchers to study the Asian area's changing environment. The Oregon researchers recently launched the project by spending three weeks on rivers in Russia's far east.

"We both have salmon, and we both have problems, and there are things we can learn from each other on both sides of the Pacific," said Jeff Rodgers, a fish biologist with the Center for the Analysis of Environmental Change at Oregon State. Rodgers, together with center director Michael Unsworth and fish biologist Daniel Bottom, focused their study on the Bikin and Khor rivers, tributaries of the Ussuri and Amur rivers.

The goal of the project, commented Bottom, was to develop a working relationship with Russian scientists by helping to restore fisheries while determining how their counterparts might relate to environmental problems in the U.S. Because of the instability of the Russian economy, Bottom said he's concerned about the region. "It seems to be very vulnerable and ripe for abuse because it's hard to tell who has control of what in terms of resources," he said. "So it makes it very easy for foreign corporations to come in if they're interested without a lot of restriction."

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**MONTANA DEPARTMENT OF NATURAL
RESOURCES AND CONSERVATION**
Water Resources Division - WL
1520 East Sixth Avenue
P O Box 202301
Helena MT, 59620-2301

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